

CASE NUMBER:	PZC 24-2020
TYPE:	SPECIAL USE PERMIT VARIANCE



Village of Westmont
Board of Trustees
Memorandum
July 16, 2020

Item for Board of Trustees Consideration:

A request from Nature's Best regarding the property located at 260 N. Linden Ave., Westmont, IL 60559 for the following:

- A. A Special Use permit to allow the construction of a surface parking lot for off-street parking accessory to a nonresidential use, in the R-3 Single Family Detached Residence District.
- B. A Zoning Code variance to allow a surface parking lot in the required front yard in the R-3 Single Family Detached Residence District.

Waivers Requested:

- 1. Waiver of the Municipal Code requirements related to the replacement of Heritage Trees.
- 2. Waiver of the Engineering Standards to reduce the required stall size from 10'x20' to 9'x18.5'.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission recommended approval.

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CASE SUMMARY

TITLE: Nature's Best Foods regarding the property located at 260 N. Linden, Westmont, IL 60559 for the following:

- A. A Special Use permit to allow the construction of a surface parking lot for off-street parking accessory to a nonresidential use, in the R-3 Single Family Detached Residence District.
- B. A Zoning variance to allow a surface parking lot in the required front yard in the R-3 Single Family Detached Residence District.

Waiver Requests:

The applicant is also requesting a waiver of the requirement to provide 126 inches of trees for each 42-inch Heritage tree identified on the lot. The applicant is also requesting to reduce the parking stall requirements for employee parking stalls.

A. Background

The subject lot is located south of Naperville and Chicago, and east of Cass Avenue. The parcel is surrounded on the north and east by commercial uses and to the east and south by residential uses.



Aerial Map of the Subject Property showing a vacant long among nearby developments.

The applicant seeks approval of a Special Use permit in order to operate an off-street parking facility serving an adjacent business.

The applicant submitted the following description of the project:

Natures Best has been running their successful business in Westmont, at their current location, for over 30 years. Parking has been a concern for Natures Best. When the house at 260 North Linden was removed and the property became available the owners of Nature's Best considered this an opportunity to improve their parking accommodations for their customers.

Advantage Consulting Engineers prepared a site plan with 26 parking spaces which would connect to the alley located directly to the east from the Nature's Best grocery store lot. The property is currently in the R-3 single family detached residence district. The intent is to obtain a Special Use to allow parking to accommodate the additional 26 parking spaces. These spaces would be for employees and to accommodate the parking overflow from the existing Nature's Best parking lot to the west.

ZONING ANALYSIS and SPECIAL USE REQUIREMENTS

The applicant has acknowledged that under Section 6.03 – Special Conditions, off-street parking is permitted if the lot is contiguous to a lot in the business district and is intended to serve the business use to the west. The applicant has agreed to install dense landscaping between the parking lot and the existing residence to the south and that the required front yard will be maintained and landscaped with grass, shrubs and trees.

Based on the current Westmont parking requirements 40 parking stalls are required as a base number, plus an additional optional number of stalls for employees of 10 stalls, for a total of 50 parking stalls required to accommodate the grocery store use. The existing building is approximately 7,860 square feet. With a requirement of 1 space per 200 square feet and 1 space for each employee, Nature's Best will require 50 spaces (40 spaces $[7,860 \text{ SF}/200]$ + 10 employees).

The existing parking lot at 257 N. Cass, serving the principal use, has 32 spaces. With the addition of 26 spaces on the subject lot, the entire store will have 58 parking spaces and therefore exceed Westmont's parking requirements of 40-50 parking stalls by 8-18 spaces.

The applicant proposes access to be limited to the alley west of the site, between the principal structure at 257 N. Cass and the proposed parking lot. For this reason, the applicant further requests that a Traffic Study be waived, stating that since the parking lot expansion is to accommodate Nature's Best's customers, a driveway access to Linden will not be provided. This should help keep excess traffic along Linden to a minimum, and is not expected to increase traffic. Two engineering firms have provided comments for this project, and their comments are in the technical staff review section of this report.

A tree survey will be provided along with a tree preservation plan and a Landscape Plan. One heritage tree has been found on the property, and the applicant has been requested to modify the plans accordingly.

The applicant indicates that no monument signs are being proposed. However, they expressed an interest in installing signs identifying that the parking lot is to be used by "Nature Best Customers Only" at several locations. The review of this application does not include signage and the applicant has been advised that

the project signage must comply with the Sign Code and be submitted as a separate application, and that no variances will be considered.

Appendix “A”, Section 6.02(B)(6) allows an off-street private parking lot as an accessory use, when on a lot contiguous to a lot in a nonresidential district, as long as it’s within 600 feet walking distance of the building it is intended to serve (Section 10.06 (I)) and must comply with Section 10.05, as this report explores in Subheading D III below.

B. Critical Issues

Comprehensive Plan:

The subject lot is part of the Residential Areas Plan in the Comprehensive Plan because it is located within a 10-minute walk from the Westmont Metra station. The subject lot is shown on this “areas plan” as a single family detached residential. A Special Use for a parking lot at this location will not preclude future redevelopment of the site as single family detached residential, as the parking lot does not call for a commercial structure to be built on the site. The proposed lot also provides for preservation of the heritage tree on the site as well as landscaping and buffering that is compatible with single family residential neighborhoods. From a more fine-tuned planning analysis yields that this lot is a transitional type lot for which a low impact parking lot is consistent.

The subject lot is also adjacent to the Naperville and Cass Subarea, and is proposed to be used to enhance the “Commercial Node”, which includes the 257 North Cass Avenue property. This property is suitable for a “prominent commercial development” for an area containing a significant number of local retailers that benefit from the visibility of being at this intersection. The plan calls for increased accessibility on foot or on bicycle from the surrounding neighborhoods. For this reason, pedestrian access to the accessory parking lot is a suitable goal and is supported by the goals outlined in the Comprehensive Plan.

Economic Development Committee:

The applicant met with the Economic Development Committee (EDC) to review the concept plan, prior to submitting the application on May 1, 2020. On March 4, 2020, the EDC listened to the presentation, asked questions about details of the proposed parking lot, and made a positive recommendation. Below are highlights of the discussion related to zoning matters.

Nature’s Best Market Proposed Parking Lot at 260 North Linden Avenue (Currently Zoned R-3) - Bill Zalewski with Advantage Engineers presented to the committee a proposed site plan for an additional parking lot for Nature’s Best Market. Zalewski discussed access points, buffering, detention requirements, and heritage tree preservation.

EDC Comments:

- *A retaining wall would not be a safe option for the detention considering the lot is so close to a school.*

- *Request for clarification on if the parking lot would be utilized by surrounding commercial businesses. Zalewski replied that the lot would be for Nature's Best employees and customers only.*
- *The parking lot is "a good fit" considering he couldn't see the lot being developed for new residential or commercial construction.*
- *Concern regarding access points and lighting requirements.*
- *Observation that there are still good opportunities for green space and parks in the community.*
- *A nearby resident expressed opposition to the parking lot and felt it would change the dynamic of the neighborhood.*
- *Many of the committee members were opposed to having access onto Linden Avenue. There was discussion about eliminating the access onto Linden which would then alter the site configuration, buffering and require additional variances.*

C. Site Plan

See Attached Sheet.

D. Parking Analysis

A variance is requested for the following, Per Appendix A, Article X, Section 10.06(G):

In yards. Off-street parking spaces, including vehicles displayed in connection with the operation of a new or used car dealership, open to the sky, may be located in any yard except a front yard, a side yard adjoining a street, or in front of any setback (building) line established by code or recorded plat of subdivision. An exception shall be that in single-family residence districts the parking of vehicles which are otherwise permitted in the district is permitted in the front yard in a private residential driveway.

The project must otherwise comply with all the Village of Westmont Codes, with specific reference to the following, which is made a part of the building/permitting review. Where staff and/or consultants have identified that the plans differ from these requirements, the applicant has been asked to make the required revisions to the plans:

- I. Per Appendix A, Article X, Section 10.06(F): Access. *Each required off-street parking space shall open directly upon an aisle or driveway of a width and design in accordance with Westmont standards of design. All off-street parking facilities shall be provided with appropriate means of vehicular access to a street or alley.*
- II. Per Appendix A, Article X, Section 10.06(H)(3): Screening and landscaping. *All off-street parking areas containing more than four parking spaces and nonresidential driveways adjacent to lot lines shall be suitably screened on each side and rear lot line by a screen fence or wall not less than four feet in height plus a planting strip of four feet minimum width in accordance with the following, or on an alternate arrangement as approved by the village board. Suitable landscaping and ground*

cover shall be provided and maintained on a continuing basis within the planting strip. On the street lot line, a planting screen not less than three feet in height shall be installed.

Such planting screen shall be adjacent to the parking area. Suitable landscaping and ground cover shall be provided and maintained on a continuing basis between the screen fence and the curbline. At least one tree of not less than three-inch diameter size class shall be provided for every 1,500 square feet of pavement area up to 6,000 square feet. At least one tree of not less than three-inch diameter size class shall be provided for every 3,000 square feet of pavement area over 6,000 square feet.

Tree placement shall be within the pavement area as opposed to perimeter planting. The selection of trees, hedges, shrubs, ground cover and other planting materials shall be approved by the economic development director, and all planting shall be performed in accordance with the standard specifications for the Village of Westmont.

(a) Walls, fences and screens.

- (1) Planting screens, or hedges, fences or walls shall not exceed two feet in height where location is such that sight lines are necessary for vehicular movement across pedestrian ways.
- (2) Fences or walls may be constructed with any of the materials listed below and shall receive the same architectural treatment on both sides. Materials other than those listed below shall be subject to approval by the economic development director.

a. Fences.

- Wood: Board, panel or picket concrete panel.
- Metal: Wrought iron or panel.

b. Walls.

- Concrete: Plain or textured.
- Brick: Plain or glazed tile or architectural block.
- Stone: Natural, block stone or rubble stone.

- III. Article X - Off-Street Parking and Off-Street Loading. Sec. 10.05. - Control of off-site parking facilities. States that (i)n cases where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be on a lot in the same possession of the title holder of record as the lot occupied by the building or use to which the parking facilities are accessory. A covenant running with the land must be recorded in the office of the recorder of deeds of DuPage County, Illinois, on the lot upon which the accessory off-street parking is located, which prohibits any other use on that lot, and a certified copy of the recorder of deeds of DuPage County, Illinois, of the recorded covenant is deposited with the building inspector (i.e. the Community Development Department). Subsection (I) of this section indicates that the proposed lot must be located within 600 feet walking distance of the building. In this particular case, the front entrance to Nature's Best is located within 250 feet of the easterly lot line of the proposed parking lot, and is well within the requirements outlined in this section.

IV. (J)

- V. Per Appendix A, Article X, Section 10.06(J) *Employee parking. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.*

VI. Per Appendix A, Article X, Section 10.06(K)(4)(a)(7): Required spaces for Business, commercial and industrial uses:

(a) *High volume commercial uses. The following business establishments having a relatively high volume of customer activity relative to their area shall provide one off-street parking space for each 200 square feet of floor area: ... Food stores.*

E. Access

Proposed access to the new parking lot will exclusively from the alley to the west. There will be no access proposed for automobile traffic from the east. However, pedestrian and bicycle access is suggested from Linden for residents who travel on foot or bicycle from the east or along Linden, which has been identified as a bicycle route in the Comprehensive Plan.

F. Landscaping

See project sheets.

G. Building Details

Not applicable.

H. Policy

Zoning: *R-3 Single Family Detached Residence District. No zoning change is proposed. The transition use proposed is consistent with the Proposed Land Use Plan of the Comprehensive Plan.*

Existing Land Use: *Vacant lot.*

Proposed Land Use: *Accessory parking lot for contiguous lot in the B-1 District, for which only one variance is required and a Special Use is applied for.*

Comprehensive Plan: *Single Family Detached Residential use abutting a General Commercial designation. The proposed use is a parking lot that will serve an existing business use that is consistent with the Comprehensive Plan.*

SUMMARY

A special use permit is required for an accessory parking lot, open to the sky, located within 600 feet walking distance of the principal structure on an adjoining non-residential district. Only one variance is requested, for parking uses in the required front yard. All other codes of the Village of Westmont are required to be adhered to. No other waivers are requested. The proposal is consistent with the codes and ordinances reviewed and with the Comprehensive Plan.

I. Attachments and References

1. *Final Engineering dated June 30, 2020*
 2. *Landscaping Plan dated June 30, 2020*
 3. *Preliminary Plat of Easement dated June 30, 2020*
 4. *Restriping Plan for the existing Natures Best dated June 30, 2020*
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J. Legal

Notification: *Westmont Village codes require the proposal to be advertised with a Class Two Legal Notices and to be considered by the Planning and Zoning Commission at a public hearing. Public notice was provided in the Westmont Suburban Life on June 18, 2020.*

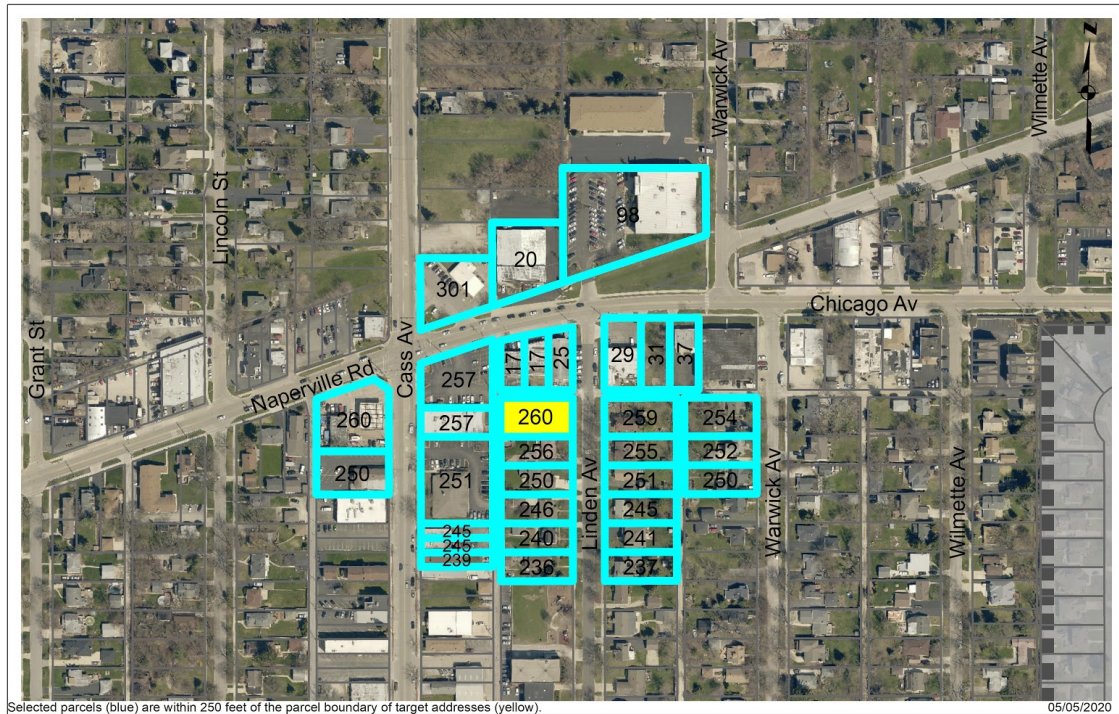
Other Required Actions: *Village Board action is required for these proposed Ordinance Amendments. After the Planning and Zoning Commission has made a recommendation, the Special Use Permit and Variance requests will be taken to the Village Board of Trustees for review and a final decision on July 16, 2020, subject to any revisions that might be requested by the Planning and Zoning Commission.*

Code Reference: *Village Code Sections 13.07 and 13.09 specify the requirements to follow for Special Use Permit and Variance requests, respectively.*

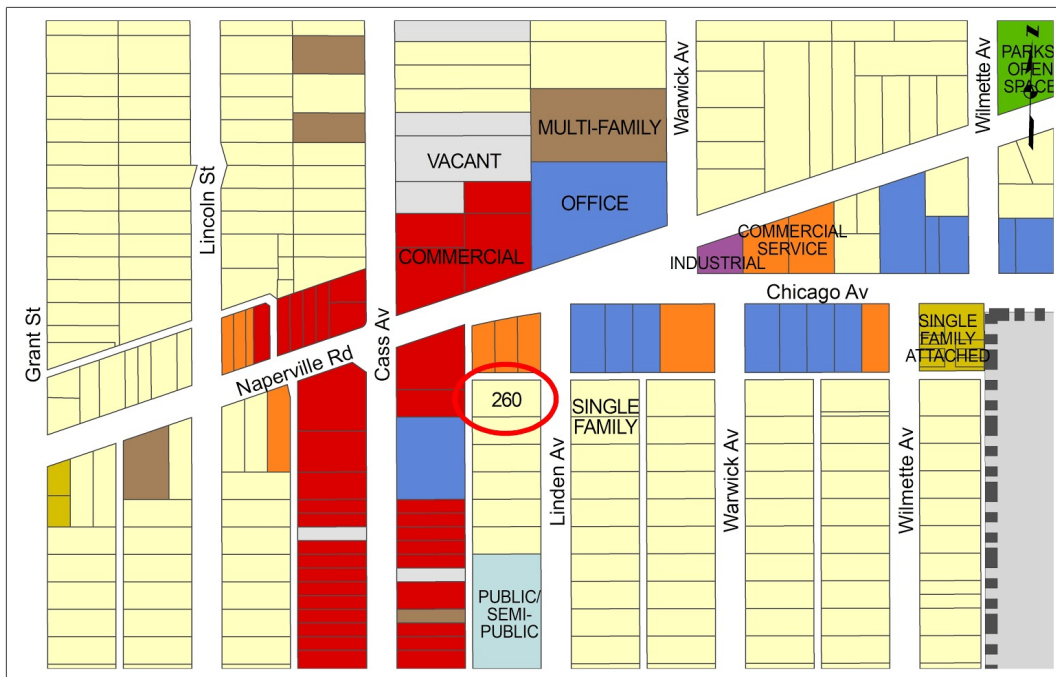
K. Principal Parties at the Planning and Zoning Commission Meeting

1. William J Zalewski, PE, Advantage Consulting Engineers, agent
2. Joe Rossi, Property Owner and Proprietor of Nature's Best Foods.

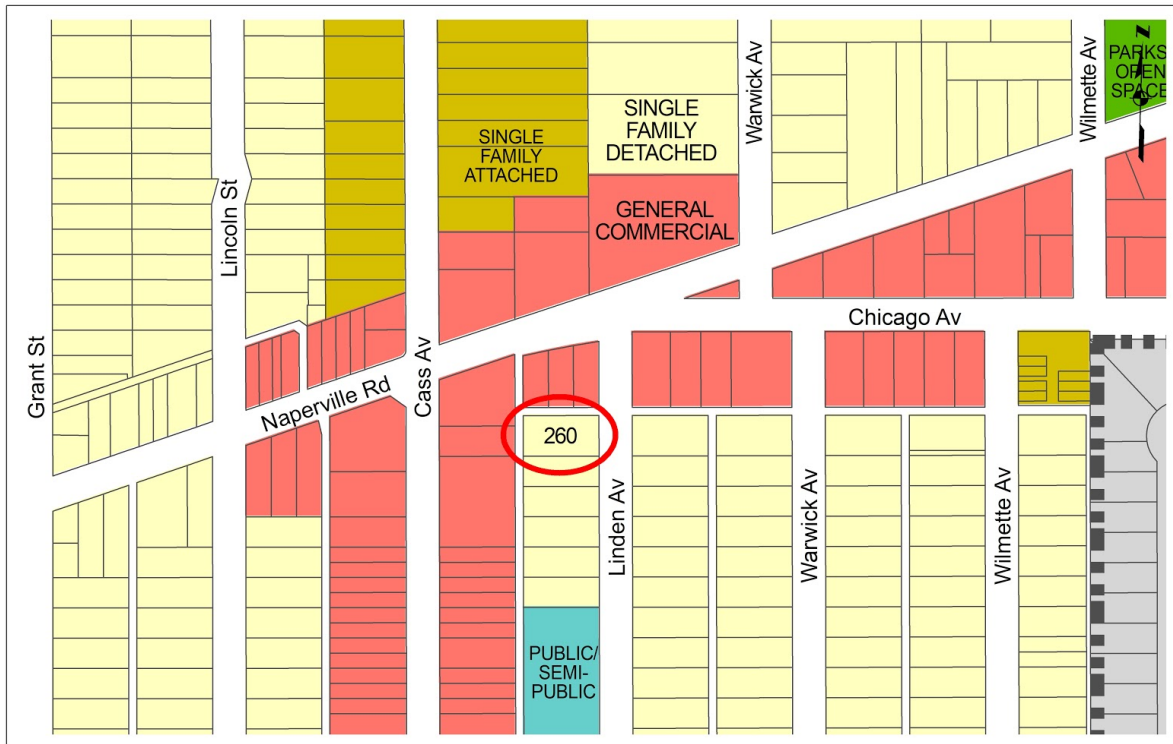
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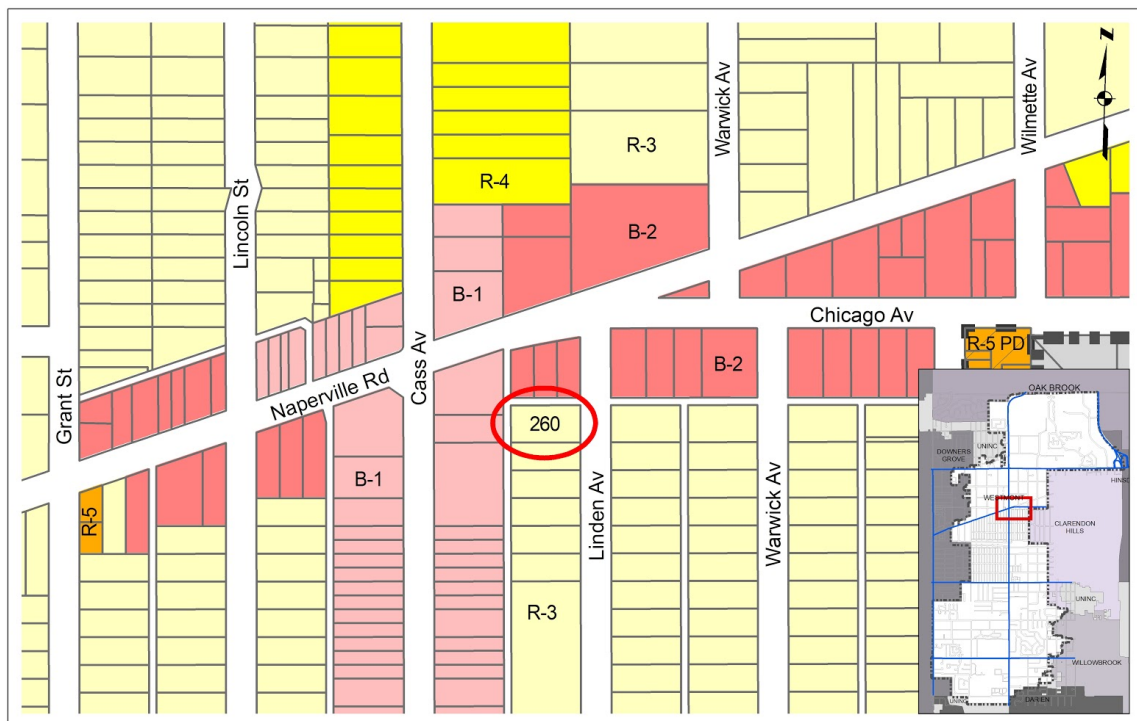
Aerial Image of Subject Property at 260 North Linden Avenue showing the notification area.



The Existing Land Use Map shows 260 North Linden Avenue as “Single Family Detached Residential” Designation. The proposed use of an off-site commercial parking lot is compatible with the properties to the North (kitchen and tile retailers) and West (Grocery store).



The Proposed Land Use Map (2013) shows the subject property as “Single Family Detached Designation” and is surrounded to the south and east by the same designation.



The Zoning Map shows the subject property as R-3 Single Family Detached Residence District, and surrounded to the east and south by the same zoning district, but to the north and west by B-1 Limited Business District, consistent with the proposed transitional use.

**STIPULATIONS RECOMMENDED BY PLANNING AND ZONING COMMISSION FOR
PZC # 24-2020**

Conditions of Approval:

1. Submit Plat of Easement where 5' side yard Public Utility and Drainage Easements and Stormwater Detention Easement are provided.
2. Applicant will bring all existing stalls on the Principal lot, at 257 N. Cass, as well as proposed stalls on the subject property, into compliance with the Village of Westmont Engineering Standards.

CONCURRENCY SUMMARY REPORT

Project Name: Nature's Best Off-Site Parking Lot - PZC Case # 24-2020

Report Date: July 16, 2020

The proposal is generally consistent with the Comprehensive Plan, the Proposed Land Use Plan, and the Codes and Ordinances for the Village of Westmont.

FINDINGS OF FACT FOR PZC CASE NO. 24-2020

VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT

PUBLIC HEARING OF JULY 8, 2020

P/Z 24-2020: Nature's Best, 260 N. Linden Avenue, Westmont

Request for a special use to allow a surface parking lot in the R-3 Residential Single-Family Detached Residence District.

CRITERIA NO. 1: That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

FINDINGS OF FACT: The proposed parking lot is adjacent to existing commercial uses on two sides and is consistent with those commercial uses. The proposed parking lot is located in close proximity to Cass Avenue and Naperville Road, two well-trafficked roadways. The hours of operation of the parking lot will be limited by the hours of operation of Applicant's grocery store. This proposed use at this location is not expected to be detrimental to the public health, safety or welfare.

CRITERIA NO. 2: That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

FINDINGS OF FACT: The proposed parking lot will be well-screened from surrounding residential properties. The hours of operation will be limited to the Applicant's grocery store's hours of operation. Any lighting will comply with the Village's lighting standards. Vehicle lights are not expected to shine onto surrounding residential properties. Stormwater is being adequately retained and is not expected to runoff onto neighboring properties. The proposed use generally is not expected to be injurious to surrounding properties and is not expected to substantially impair property values.

CRITERIA NO. 3: That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

FINDINGS OF FACT: Surrounding properties are fully-developed, and it is not certain whether this property would ever redevelop with a single-family use.

CRITERIA NO. 4: That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.

FINDINGS OF FACT: The property is already served by adequate utilities, and the Applicant is

providing all required storm water management on site. Access to the public alley will be provided by the Applicant, and there will be no access to and from Linden Avenue.

CRITERIA NO. 5: That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

FINDINGS OF FACT: Access to and from the site will be limited to the public alley. There will be no access onto Linden Avenue. This is an overflow lot that is not expected to generate significant parking and traffic concerns.

CRITERIA NO. 6: That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.

FINDINGS OF FACT: Except for a variance sought for a front yard setback encroachment, the proposed use meets all other regulations of the R-3 District.

CRITERIA NO. 7: The proposed use meets the special conditions of Special Condition 1.

FINDINGS OF FACT: The proposed use meets the special conditions of Special Condition 1, in that the property is contiguous to a lot in a business district, the Applicant is provided a dense landscape screen along all exterior lines adjoining a residence district, and the front yard will be maintained with grass, shrubs, and trees.

VILLAGE OF WESTMONT PLANNING AND ZONING COMMISSION
FINDINGS OF FACT

PUBLIC HEARING OF JULY 8, 2019

P/Z 24-2020 – Nature’s Best, 260 N. Linden Avenue, Westmont

Request for a variance to allow a surface parking lot to encroach into the required front yard setback in the R-3 Single-Family Detached Residence District.

CRITERIA NO. 1: *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.*

FINDINGS OF FACT: In order to provide a sufficient number of parking spaces and Code-compliant drive aisles, and in order to meet all other setbacks and stormwater management requirements, an encroachment into the front yard setback is required. Without this variance, the property cannot be economically utilized as a parking lot and therefore cannot yield a reasonable return.

CRITERIA NO. 2: *The plight of the owner is due to unique circumstances.*

FINDINGS OF FACT: In order to have access onto the public alley and avoid an access onto Linden Avenue, a residential side street, it is necessary for the Applicant to encroach into the front yard setback.

CRITERIA NO. 3: *The variation, if granted, will not alter the essential character of the locality.*

FINDINGS OF FACT: The surrounding area is partially commercial, and the property at issue is located in close proximity to Cass Avenue and Naperville Road, which are both two well-traveled thoroughfares. Due to the dense landscaping and screening of the proposed parking lot, and due to the limited nighttime hours of operation, and due to the limited lighting on the property, it is not expected that this use with this variation will alter the essential character of the neighborhood.

PREVIOUS PZC CASES FILES / OTHER APPLICABLE REGULATIONS

None

None for 260 N. Linden

Related Cases for 257 N. Cass - Principal Use

Ordinance 86-61

Ordinance granting variance. (257 N. Cass) July 7, 1986.

Resolution R86-78

Resolution approving site plan. (257 N. Cass) August 18, 1986.

Ordinance 02-08

An Ordinance Rezoning Property Located At 257 North Cass Avenue, Westmont
From B-2 To B-1. February 4, 2002